

**Arizona State Board of Homeopathic Medical
Examiners
Minutes of Regular Meeting
March 8, 2005**

I. CALL TO ORDER and INTRODUCTIONS

Presiding officer, Charles Schwengel DO, MD(H), called the meeting to order at 9:00 a.m.

MEMBERS PRESENT:

Charles Schwengel DO, MD(H), President
Annemarie Welch, MD, MD(H), Vice President
Anna Marie Prassa, Secretary-Treasurer
Don Farris, Public Member
Garry Gordon, MD, DO, MD(H)
Bruce Shelton, MD, MD(H)

Dr. Schwengel introduced and welcomed Elizabeth Burns, Assistant Attorney General.

II. REVIEW, DISCUSS, AND ACTION: PREVIOUS MEETING MINUTES

Changes to the January 11, 2005 regular session minutes were discussed. In the discussion relating to Agenda Item 5 concerning *complaint investigation 05-02 J.H. vs. Geoffrey Radoff* the Board requested that Mrs. Springer amend the record to include a notation that Dr. Shelton had recused himself from the discussion. In addition, under Agenda Item 3 the number 14 had inadvertently been included next to the November 9, 2004 regular meeting date. The Board requested that the number 14 be deleted. Ms. Prassa made a motion adopting the regular and executive session minutes of January 11, 2005 noting the amendments to the regular meeting minutes as discussed. Dr. Gordon seconded the motion that passed with a majority vote. Dr. Shelton was recused from the vote.

III. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS

A. New Physician Applications

Rebecca Wilks, M.D.

Dr. Wilks was present to address the board and respond to questions. Following confirmation that she had successfully passed the written examination, the Board reviewed her background and interest in homeopathic medicine. Dr. Wilkes completed the oral examination and Dr. Shelton made a motion granting a homeopathic medical license to Dr. Wilkes. Ms. Gordon seconded the motion that passed unanimously.

Stefanie Workman, M.D.

Dr. Workman was present for her application and oral interview. Dr. Welch inquired about her current practice and whether she could utilize homeopathy within the practice group. Dr. Shelton made a motion approving the application. Mr. Farris seconded the motion that passed unanimously.

At this point Dr. Workman presented a clinical case review of oral examination number 1. Following her presentation board members commented favorably on the presentation and Dr. Shelton made a motion approving Dr. Workman's homeopathic medical license. Dr. Gordon seconded the motion that passed unanimously.

B. Homeopathic Medical Assistants

Dr. Shelton made a motion approving a homeopathic medical assistant application submitted by Collette Walczak. The motion was seconded by Dr. Gordon and passed unanimously.

IV. REVIEW, CONSIDERATION AND ACTION REGARDING INVESTIGATIONS/COMPLAINTS

1. Previous Matters

05-02 J.H. vs. Geoffrey Radoff, MD, MD(H)

The Board considered correspondence from Timothy Miller, Executive Director of the Arizona Medical Board with regard to primary jurisdiction in the matter pursuant to A.R.S. §32-2907. They reiterated that the primarily homeopathic aspect of the treatments provided to J.H. direct primary jurisdiction in the investigation to the Homeopathic Board. Following a brief discussion, the Board agreed with Executive Director Miller's suggestion that the Arizona Medical Board be allowed to assign their medical investigator to prepare an allopathic report for inclusion into the investigative case file. President Schwengel directed the executive director to respond to Mr. Miller's letter and inform him of the Board's decision and coordinate transfer of case information.

2. New Matters

05-07 L.M. vs. Edward Gogek, MD, MD(H)

There was a discussion regarding the facts of this case. Ms. Prassa indicated her discomfort with the allegation that Dr. Gogek had fallen asleep during the interview with L.M. Dr. Gordon responded that in a letter from Dr. Gogek's supervisor, a case manager who had been present during the interview with L.M. stated that Dr. Gogek did not fall asleep. Dr. Gordon made a motion to dismiss the complaint. Dr. Shelton seconded the motion.

Additional discussion followed in which Dr. Welch indicated her concern with reports of Dr. Gogek's sleeping disorder. She questioned why Dr. Gogek's supervisor would retain him on staff, whether or not the disorder was a routine occurrence and whether or not Dr. Gogek had sought treatment for the disorder. The Board initiated a conference call with Dr. Gogek at this point in the meeting. Ms. Prassa questioned Dr. Gogek regarding his sleep disorder and whether or not he had sought treatment. Dr. Gogek responded that he had been treated by Dr. Larry Wilson and had received nutritional supplements in 2000 and 2001 that included B vitamins and adrenal supplements. Dr. Gogek indicated he had responded successfully to the therapy. With regard to the instant case he reiterated that he had not fallen asleep during his counseling session with L.M. and that the case manager, who was present throughout the interview, had indicated this in her affidavit. Dr. Shelton called the question reminding the

members that the motion on the floor was to dismiss the complaint. The motion passed unanimously to dismiss the case with no evidence of a violation of homeopathic laws and regulations.

Roll call: Gordon, Shelton, Welch, Farris, Prassa, Schwengel – Aye

05-08 V.M. vs. Karen Sontag – Review pursuant to A.R.S. §32-2931(A)

05-08 V.M. vs. Bobbie Sumner Review pursuant to A.R.S. §32-2931(A)1

V.M. was present during the discussion. Dr. Shelton began by noting that Karen Sontag, V.M.'s primary caregiver appeared to be in hiding and that the Board's efforts to contact her for a response had not been successful. He recommended that the matter be referred to the Maricopa County Attorney for prosecution. Dr. Gordon concurred with this statement. Assistant Attorney General Burns clarified that the Board's referral to the County Attorney would be for prosecution of a Class 5 felony for practice of homeopathy without a license.

V.M. was invited to address the Board. She discussed her current health status and clarified that Bobbie Sumner had acted as her caregiver during the course of the illness and had facilitated the treatment regime recommended by Ms. Sontag. Initially, V.M. had been referred to Ms. Sontag in 1987 and had visited Sontag's offices located at 12th Way and Lincoln Drive as well as an office located at Thomas and 28th Avenue dba: Genesis Associates. In 1999 Sontag had left the Valley and had remained in contact for treatment recommendations by telephone and an 800 phone number. During this time period V.M. did not know where Sontag lived. Dr. Shelton inquired why V.M. had continued treatment over the years and V.M. stated that as her condition deteriorated she became weaker and bed ridden and completely dependent upon the course of treatment recommended by Sontag. She could not recall that Sontag had suggested she see a primary care physician, and in fact, indicated that Sontag discouraged treatment protocols by other health care providers.

Dr. Schwengel thanked V.M. for her time and attendance at the meeting. Dr. Shelton made a motion to refer the matter to the Maricopa County Attorney for prosecution as an unlicensed practitioner of homeopathy. Mr. Farris seconded the motion that passed unanimously.

05-12 Michael Gerber, MD, MD(H) – Self Report Malpractice Settlement Pursuant to A.R.S. §32-2934(A)

The Board reviewed information provided by Dr. Gerber as part of his 2005 renewal regarding a final settlement agreement in a malpractice case. Dr. Shelton made a motion closing the matter with no further action. Dr. Gordon seconded the motion that passed unanimously. The information will be placed in Dr. Gerber's board file.

05-11 Geoffrey Radoff, MD, MD(H) – Self Report Pursuant to A.R.S. §32-3208

Dr. Shelton recused himself in this matter. President Schwengel began the discussion by commenting that the instant matter had come to the Board's attention when Dr. Radoff reported a misdemeanor DUI violation in response to a question on the 2005 renewal form. The Board discussed the requirements of

A.R.S. §32-3208 and a licensee or applicant's duty to report receipt of a criminal violation within ten days of receipt of the charge by a police jurisdiction. He noted that although Dr. Radoff had reported the violation at the next opportunity (ie. the renewal form) he had not timely reported receipt of the violation within ten days as required by the law. The Board discussed the violation and the laws and there was a general discussion about how to inform licensees and applicants of their duty to report timely. They noted that Dr. Radoff had appropriately completed all court ordered requirements including fines, and sixteen hours of M.A.D.D. substance abuse counseling. Mrs. Springer commented that on both the renewal form and the initial application form an applicant or licensee are required to respond by a yes or no answer to whether or not a misdemeanor or felony charge has been received. However, the ten day provision requiring notification to the licensing authority is up to the licensee or applicant. Dr. Shelton made a statement to the Board as a character witness for Dr. Radoff. He stated that he has known Dr. Radoff for thirty years as a friend, fraternity brother, and previous business partner. In this time he had never known him to drink to excess.

Ms. Prassa made a motion to issued a Letter of Concern to Dr. Radoff for not timely reporting receipt of the DUI charge as required by A.R.S. §32-3208. Mr. Farris seconded the motion that passed with a majority vote.

Roll call: Prassa, Farris, Welch, Gordon, Schwengel – Aye

Shelton recused.

V. LEGISLATION – REVIEW

Sunset Review – Status Update

Mrs. Springer reviewed the Sunset process with board members and indicated that first contact from the legislative committee usually occurs during the summer. An extensive list of questions is sent to the board from a Sunset Review Committee made up of legislators and staff prepares a detailed response that is returned to the committee for their review and recommendation. As a registered lobbyist, staff will visit each committee member to determine if they have questions or concerns. In January, 2006 the full legislature will consider the review committee's recommendations and staff and board members will attend hearings to respond to further questions that other members of the legislature may have.

VI. REVIEW, CONSIDERATION AND ACTION ON PROFESSIONAL BUSINESS

1. Dr. Gordon noted for the record that it was not necessary to review Dr. Joya Schoen's informed consent since the form was from the State of Florida and would not fall under our jurisdiction.
2. Dr. Shelton recused himself from the discussion. The executive director indicated that no additional action had been taken by the Department of Revenue on their proposed rules regarding sales tax exemptions for homeopathic prescription drugs.
3. No further action had been taken by the DEA with regard to the renewal of DEA permits for Arizona licensed homeopathic physicians. The Board had

forwarded letters to the appropriate officials but to date the DEA had not issued a recommendation or policy to address the problem.

4. Program information forwarded to the Board regarding St. Luke's University was discussed. The Board expressed concern about whether or not naproopathy graduates of St. Luke's would qualify for licensure in Arizona. Current statutes require that Arizona licensed homeopathic physicians have an active M.D. or D.O. in any state or territory of the U.S. Dr. Schwengel noted that St. Luke's program may be applicable to applicant's trying to qualify under A.A.C. R4-38-102(A) relating to post-graduate education requirements in modalities related to the practice of homeopathic medicine as defined in A.R.S. §32-2901(22). Dr. Gordon moved to require that Dr. Hicks appear before the Board and present additional information from St. Luke's University including current enrollment, numbers of previous graduates, whether or not the program is licensed in Idaho as a provider of private post-secondary education, complete resumes of faculty, and accreditation information. Motion seconded by Dr. Welch and passed unanimously.

5. Mrs. Springer updated the board regarding minor changes to the proposed rules *AAC R4-38-101-115* and *AAC R4-38-301-311*. She indicated that the 300 hour requirement for post-graduate education contained in the proposed R4038-103 had been retained and that an applicant would be required to provide evidence of at least 40 hours in classical homeopathy. In addition, the new rules specify more clearly that before a licensee can practice a particular modality evidence of the indicated number of training hours must be provided by an applicant in their documentation. Mrs. Springer stated that no additional progress had been taken with regard to *AAC R4-38-301-311* (Article 3). It was her intention to complete *AAC R4-38-101-115* before moving forward on Article 3.

VII. EXECUTIVE DIRECTOR REPORT

VIII. CALL TO THE PUBLIC

No members of the public were present.

IX. FUTURE AGENDA ITEMS

Dr. Shelton requested time on the next agenda to address the board.

CLOSE OF BUSINESS/ADJOURNMENT

The meeting adjourned at 12:00 p.m. following a motion by Dr. Welch. Ms. Prassa seconded the motion that passed unanimously. The next Regular Meeting of the Board will convene at the State Board's Office Building, 1400 W. Washington, Basement Conference Room B-1, Phoenix, Arizona, 9:00 AM, on **May 10, 2005**.

Respectfully Submitted,

Christine Springer
Executive Director